House Amendment 8399

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Amend Senate File 2269, as passed by the Senate, as
   2 follows:
         #1. By striking everything after the enacting
  4 clause and inserting the following:
           1 6 amended by adding the following new unnumbered
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     paragraph:
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         NEW UNNUMBERED PARAGRAPH. The state commissioner
1 9 shall adopt rules pursuant to chapter 17A, for the 1 10 implementation of uniform and nondiscriminatory
1
  11 administrative complaint procedures for resolution of
1 12 grievances relating to violations of Title III of Pub.
1 13 L. No. 107=252. In complaint proceedings in which all
1 14 of the respondents are local election officials, the 1 15 presiding officer shall be the state commissioner of
1 16 elections. In complaint proceedings in which one of
  17 the respondents is the state commissioner of
1 18 elections, the presiding officer shall be a panel
1 19 consisting of all members of the state voter
  20 registration commission appointed pursuant to section
1
  21 47.8, except the state commissioner of elections or
1 22 the state commissioner's designee.
         Sec. 2. Section 47.7, subsections 2, 3, and 4,
1 23
1 24 Code Supplement 2003, are amended by striking the 1 25 subsections and inserting in lieu thereof the
1 26 following:
  27 2. a. On or before January 1, 2006, the state 28 registrar of voters shall implement in a uniform and
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1 29 nondiscriminatory manner, a single, uniform, official,
1 30 centralized, interactive computerized statewide voter
1 31 registration file defined, maintained, and
1 32 administered at the state level that contains the name
1 33 and registration information of every legally
  34 registered voter in the state and assigns a unique 35 identifier to each legally registered voter in the
1 36 state. The state voter registration system shall be
1
  37 coordinated with other agency databases within the
  38 state, including, but not limited to, the department
1 39 of transportation driver's license records, judicial
1 40 records of convicted felons and persons declared
1 41 incompetent to vote, and department of public health 1 42 records of deceased persons.
1 43 b. On or after January 1, 2006, a county shall not 1 44 establish or maintain a voter registration system 1 45 separate from the state voter registration system.
1 46 Each county shall provide to the state registrar the
1 47 names, voter registration information, and voting
  48 history of each registered voter in the county in the
1
  49 form required by the state registrar.
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  50
         c. A state or local election official may obtain
   1 immediate electronic access to the information 2 contained in the computerized voter registration file.
   3 All voter registration information obtained by a local
2
   4 election official shall be electronically entered into
   5 the computerized voter registration file on an
   6 expedited basis at the time the information is
   7 provided to the local election official.
   8 registrar shall provide such support as may be
2
   9 required to enable local election officials to
2 10 electronically enter the information into the
  11 computerized voter registration file on an expedited
  12 basis. The list generated from the computerized file
2 13 shall serve as the official voter registration list
2
  14 for the conduct of all elections for federal office in
2 15 the state.
2 16
        d. The state registrar shall prescribe by rule the
2 17 procedures for access to the state voter registration
  18 file, security requirements, and access protocols for
2 19 adding, changing, or deleting information from the
2 20 state voter registration file.
  2.1
        Sec. 3. Section 47.8, Code Supplement 2003, is
  22 amended by adding the following new subsection:
2 23 <u>NEW SUBSECTION</u>. 5. In complaint proceedings held 2 24 pursuant to section 47.1 in which one of the
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2 25 respondents is the state commissioner of elections,

2 26 the presiding officer shall be a panel consisting of 2 27 all members of the state voter registration 2 28 commission, except the state commissioner of elections 2 29 or the state commissioner's designee. Sec. 4. Section 48A.8, Code 2003, is amended to 2 30 2 31 read as follows: 32 48A.8 REGISTRATION BY MAIL. 33 <u>1.</u> An eligible elector may register to vote by 34 completing a mail registration form. The form may be 35 mailed or delivered by the registrant or the 36 registrant's designee to the commissioner in the 2 37 county where the person resides. A separate 2 38 registration form shall be signed by each individual 39 registrant. 2 40 2. An eligible elector who registers by mail and who has not previously voted in an election for 41 federal office in the county of registration shall 43 required to provide identification documents when 44 voting for the first time in the county, unless the 45 registrant provided on the registration form the 46 registrant's Iowa driver's license number, or the 47 registrant's Iowa nonoperator's identification card 48 number, or the last four numerals of the registrant's 49 social security number and the driver's license, 50 nonoperator's identification, or partial social 1 security number matches an existing state or federal 2 identification record with the same number, name, and 3 date of birth. If the registrant under this 4 subsection votes in person at the polls, or by 5 absentee ballot at the commissioner's office or at a 6 satellite voting station, the registrant shall provide 7 a current and valid photo identification card, or 8 shall present to the appropriate election official 9 of the following current documents that shows the name 10 and address of the registrant: a. Utility bill. b. Bank statement. 3 12 3 13 c. Paycheck. 3 14 Government check. 3 15 e. Other government document. 3. If the registrant under subsection 2 votes an absentee ballot by mail, the registrant shall provide 3 16 18 a photocopy of one of the documents listed in subsection 2 when returning the absentee ballot 3 20 4. A registrant under subsection 2 who is required to present identification when casting a ballot in 22 person shall be permitted to vote a provisional ballot 23 if the voter does not provide the required 24 identification documents. If a voter who is 25 to present identification when casting a ballot votes 26 an absentee ballot by mail, the ballot returned by the 27 voter shall be considered a provisional ballot 28 pursuant to sections 49.81 and 53.31. 3 29 Sec. 5. Section 48A.11, subsection 1, paragraph b, 3 30 Code 2003, is amended to read as follows: b. The registrant's name, including first name and 3 31 <u>32 any family forename or surname</u>. 3 33 Sec. 6. Section 48A.11, subsection 1, paragraph e, 3 34 Code 2003, is amended by striking the paragraph and 3 35 inserting in lieu thereof the following: 3 36 e. Iowa driver's license number if the registrant 37 has a current and valid Iowa driver's license, Iowa 3 38 nonoperator's identification card if the registrant 3 39 has a current and valid Iowa nonoperator's 3 40 identification card, or the last four numerals of the 3 41 registrant's social security number. If the 42 registrant does not have an Iowa driver's license 3 43 number, an nonoperator's identification card number, 3 44 or a social security number, the form shall provide 45 space for a number to be assigned as provided in 3 46 subsection 7. 47 Sec. 7. Section 48A.11, subsection 1, 48 Code 2003, is amended to read as follows: Section 48A.11, subsection 1, paragraph f, 3 f. Date of birth, including month, date, and year. Sec. 8. Section 48A.11, Code 2003, is amended by 3 49 50 adding the following new subsection:

NEW SUBSECTION. 2A. The following questions and statement regarding eligibility shall be included on 4 forms that may be used for registration by mail:
 a. Are you a citizen of the United States of 6 America?

Will you be eighteen years of age on or before 8 election day? c. If you checked "no" in response to either of 4 4 10 these questions, do not complete this form. 4 11 Sec. 9. Section 48A.11, subsection 5, Code 2003, 4 12 is amended to read as follows: 5. All forms for voter registration shall be prescribed by rule adopted by the state voter 4 13 4 14 registration commission. 4 16 Sec. 10. Section 48A.11, Code 2003, is amended by adding the following new subsection:
NEW SUBSECTION.
7. A voter registration 4 17 4 18 4 19 application lacking the registrant's name, sex, date 20 of birth, or residence address or description shall 21 not be processed. A voter registration application 4 22 lacking the registrant's driver's license number, Iowa 23 nonoperator's identification card number, or the last 24 four digits of the registrant's social security number 4 25 shall not be processed. A registrant whose 26 registration is not processed pursuant to this 4 27 subsection shall be notified pursuant to section 4 28 48A.26, subsection 3. A registrant who does not have 4 29 an Iowa driver's license number, an Iowa nonoperator's 30 identification number, or a social security number and 31 who notifies the registrar of such shall be assigned a 4 32 unique identifying number that shall serve to identify 4 33 the registrant for voter registration purposes. 4 NEW SECTION. 48A.25A VERIFICATION OF Sec. 11. 4 35 VOTER REGISTRATION INFORMATION. 4 36 Upon receipt of an application for voter 37 registration by mail, the state registrar of voters 38 shall compare the driver's license number, the Iowa 4 39 nonoperator's identification card number, or the last 4 40 four numerals of the social security number provided 4 41 by the registrant with the records of the state 4 42 department of transportation. To be verified, the 4 43 voter registration record shall contain the same name, 4 44 date of birth, and driver's license or whole or 4 45 partial social security number as the records of the 4 46 department of transportation. If the information 47 cannot be verified, the application shall be rejected 48 and the registrant shall be notified of the reason for 49 the rejection. If the information can be verified, a 4 50 record shall be made of the verification and the application shall be accepted. The voter registration commission shall adopt rules 5 in accordance with chapter 17A to provide procedures 4 for processing registration applications if the 5 department of transportation does not, before the 5 6 close of registration for an election for which the voter registration would be effective, if verified, 8 provide a report that the information on the 9 application has matched or not matched the records of 5 10 the department. 5 This section does not apply to persons entitled to 5 12 register to vote and to vote pursuant to section 5 13 $48\overline{A}.5$, subsection 4. Sec. 12. Section 48A.26, subsection 3, Code 2003, 5 15 is amended to read as follows: 3. If the registration form is missing required 17 information <u>pursuant to section 48A.11, subsection</u> 18 the acknowledgment shall advise the applicant what 5 19 additional information is required. The commissioner 20 shall enclose a new registration by mail form for the If the registration form has no 21 applicant to use. 5 22 address, the commissioner shall make a reasonable 23 effort to determine where the acknowledgment should be 24 sent. If the incomplete application is received during the twelve days before the close of 26 registration for an election, the commissioner shall 27 provide the registrant with an opportunity to complete 28 the form before the close of registration.
29 Sec. 13. Section 48A.26, Code 2003, is amended by 5 30 adding the following new subsections: 31 <u>NEW SUBSECTION</u>. 3A. If the registrant applied by 32 mail to register to vote and did not answer either 5 33 "yes" or "no" to the question in section 48A.11, 34 subsection 2A, paragraph "a", the application shall be 35 processed, but the registration shall be designated as 36 valid only for elections that do not include 37 candidates for federal offices on the ballot.

5 38 acknowledgment shall advise the applicant that the 5 39 status of the registration is local and the reason for 5 40 the registration being assigned local status. 41 commissioner shall enclose a new registration by mail 42 form for the applicant to use. If the original 43 application is received during the twelve days before 44 the close of registration for an election that includes candidates for federal offices on the ballot, 46 the commissioner shall provide the registrant with an 47 opportunity to complete the form before the close of 5 48 registration. NEW SUBSECTION. 3B. If the registrant applied by 49 5 50 mail to register to vote and answered "no" to the question in section 48A.11, subsection 2A, paragraph "a", the application shall not be processed. The 6 6 3 acknowledgement shall advise the applicant that the 6 4 registration has been rejected because the applicant 6 indicated on the registration form that the applicant 6 6 is not a citizen of the United States. 6 Sec. 14. Section 48A.28, subsection 2, unnumbered paragraph 2, Code 2003, is amended to read as follows: Section 48A.28, subsection 2, unnumbered 6 A commissioner participating in the national change 6 6 10 of address program, in the first quarter of each 11 calendar year, shall send a notice and preaddressed, 6 12 postage paid return card by forwardable mail to each 6 6 13 registered voter whose name was not reported by the 6 14 national change of address program and who has not 6 15 voted, in two or more consecutive general elections 16 and has not registered again, or who has not reported 6 17 a change to an existing registration, or who has not 18 responded to a notice from the commissioner or 6 19 registrar during the preceding four calendar years 6 20 period between and following the previous two general The form and language of the notice and <u>elections</u>. 6 22 return card shall be specified by the state voter 6 23 registration commission by rule. A registered voter 6 24 shall not be sent a notice and return card under this 6 25 subsection more frequently than once in a four=year 6 26 period. 6 27 Sec. 15. Section 48A.36, subsection 2, Code 2003, 6 28 is amended to read as follows: 2. Upon receipt of electronic registration data 6 29 30 under subsection 1, the state registrar of voters may 6 31 $\underline{\text{shall}}$ cause the updating of registration records $\underline{\text{for}}$ 32 registrants in counties which have arranged for data processing services under section 47.7, subsection 2. 6 33 6 34 The registrar shall notify the appropriate 6 35 commissioner of the actions taken. 6 36 Sec. 16. Section 48A.37, subsection 2, Code 2003, 6 37 is amended to read as follows: 2. Electronic records shall include a status code 6 38 6 39 designating whether the records are active, or 6 40 inactive <u>local or pending</u>. Inactive records are 6 41 records of registered voters to whom notices have been 6 42 sent pursuant to section 48A.28, subsection 3, and who 6 43 have not returned the card or otherwise responded to 6 44 the notice, and those records have been designated 6 45 inactive pursuant to section 48A.29. <u>Local records</u> 6 46 are records of applicants who did not answer either 6 47 "yes" or "no" to the question in section 48A.11, 48 subsection 2A, paragraph "a". Pending records are 49 records of applicants whose applications have not been 50 verified pursuant to section 48A.25A. All other 1 records are active records. An inactive record shall 2 be made active when the registered voter votes at an 3 election, registers again, or reports a change of 4 name, address, telephone number, or political party 5 affiliation. A pending record shall be made active 6 upon verification. A local record shall be valid for 7 any election for which no candidates for federal 8 office appear on the ballot, but the registrant may 9 not vote in a federal election unless the registrant 10 submits a new voter registration application before election day indicating that the applicant is a <u>citizen of the United States.</u>
Sec. 17. Section 48A.38, subsection 1, paragraph Sec. 17. 7 14 f, Code 2003, is amended to read as follows: f. The county commissioner of registration and the 7 15 7 16 state registrar of voters shall remove a voter's 7 17 social security number, driver's license number, or

18 Iowa nonoperator's identification card number from a

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7 19 voter registration list prepared pursuant to this
7 20 section.
7 21 Sec. 18. Sec
7 22 read as follows:
                      Section 49.81, Code 2003, is amended to
7 23
          49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST
7 24 PROVISIONAL BALLOT.
7 25 1. A prospective voter who is prohibited under 7 26 section 48A.8, subsection 4, section 49.77, subsection
7 27 4, or section 49.80 from voting except under this
  28 section shall be permitted to notified by the
7 29 appropriate precinct election official that the voter 7 30 may cast a paper provisional ballot. If a booth
7 31 meeting the requirement of section 49.25 is not
7 32 available at that polling place, the precinct election 7 33 officials shall make alternative arrangements to
7 34 insure the challenged voter the opportunity to vote in 7 35 secret. The marked ballot, folded as required by 7 36 section 49.84, shall be delivered to a precinct
7 37 election official who shall immediately seal it in an
7 38 envelope of the type prescribed by subsection 4. 7 39 sealed envelope shall be deposited in a special an 7 40 envelope marked "ballots for special precinct"
7 41 "provisional ballots" and shall be considered as
7 42 having been cast in the special precinct established
7 43 by section 53.20 for purposes of the postelection
7 44 canvass.
7 45
          2. Each person who casts a special provisional
7 46 ballot under this section shall receive a printed
7 47 statement in substantially the following form:
7 48
          Your qualifications as a registered voter have been
7 49 challenged for the following reasons:
7 50
                II.
III. .....You must show identification before your ballot
8
8
8
   4 can be counted. Please bring or mail a copy of a 5 current and valid photo identification card to the
8
   6 county commissioners office or bring or mail a copy of
   7 one of the following current documents that show your
8 8 name and address:
          a. Utility bill.b. Bank statement.
8
8 10
8 11
          <u>c. Paycheck.</u>
          d. Government check.
e. Other government document.
PARAGRAPH DIVIDED. Your right to vote will be
8 12
8 13
8 14
8 15 reviewed by the special precinct counting board on
8 16 ..... You have the right and are encouraged to make
8 17 a written statement and submit additional written
8 18 evidence to this board supporting your qualifications
8 19 as a registered voter. This written statement and
8 20 evidence may be given to an election official of this
8 21 precinct on election day or mailed or delivered to the
8 22 county commissioner of elections, but must be received
8 23 before .... a.m./p.m. on ..... at ..... If your 8 24 ballot is not counted you will receive, by mail,
8 25 notification of this fact and the reason that the
8 26 ballot was not counted.
8 27 3. Any elector may present written statements or
8 28 documents, supporting or opposing the counting of any
8 29 special provisional ballot, to the precinct election 8 30 officials on election day, until the hour for closing
8 31 the polls. Any statements or documents so presented
8 32 shall be delivered to the commissioner when the
8 33 election supplies are returned.
8 34    4. The individual envelopes used for each paper
8 35 provisional ballot cast pursuant to subsection 1 shall
8 36 have printed on them the format of the face of the
  37
      registration form under section 48A.8 and the
8
8 38 following:
8 39
          I believe I am a registered voter of this precinct
8 40 county and I am eligible to vote in this election. I
8 41 registered to vote in ..... county on or about .....
8 42 at ...... My name at that time was ...... I have not
8 43 moved to a different county since that time. I am a
8 44 United States citizen, at least eighteen years of age.
8 45
8 46
                                        (signature of voter) (date)
8 47 The following information is to be provided by the
8 48 precinct election official:
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8 49 Reason for challenge:

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8 50
             Did not present required identification form.
 9
                                         (signature of precinct
                                          election official)
       The precinct election official shall attach a completed voter registration form from each
     6
    8 provisional voter unless the person's registration
     9 status is listed in the election register as pending.
 9 10 Sec. 19. Section 49.98, Code 2003, is amended to 9 11 read as follows:
 9 12
           49.98 COUNTING BALLOTS.
 9
           The ballots shall be counted according to the
   13
 9 14 voters' marks on them as provided in sections 49.92 to
 9 15 49.97, and not otherwise. If, for any reason, it is 9 16 impossible to determine from a ballot, as marked, the
 9 17 choice of the voter for any office, the vote for that 9 18 office shall not be counted. When there is a conflict
 9
   19 between a straight party or organization vote for one
   20 political party or honparty political organization and 21 the vote cast by marking the voting target next to the
   22 name of a candidate for another political party or
   23 nonparty political organization on the ballot, the 24 mark next to the name of the candidate shall be held
   25 to control, and the straight party or organization
   26 vote in that case shall not apply as to that office.
 9
   27 Any ballot shall be rejected if it is marked in a 28 other manner than authorized in sections 49.92 to
   29 49.97. A ballot shall be rejected if the voter used a
 9 30 mark to identify the voter's ballot. <u>For each voting</u> 9 31 system, the state commissioner shall, by rule adopted
 9 32 pursuant to chapter 17A, develop uniform definitions
    33 of what constitutes a vote.
34 Sec. 20. Section 50.20, Code 2003, is amended to
 9 35 read as follows:
           50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL
 9
   37 BALLOTS.
 9 38
           The commissioner shall compile a list of the number
 9 39 of special provisional ballots cast under section
   40 49.81 in each precinct. The list shall be made
   41 available to the public as soon as possible, but in no
   42 case later than nine o'clock a.m. on the second day
   43 following the election. Any elector may examine the
   44 list during normal office hours, and may also examine 45 the affidavit envelopes bearing the ballots of
 9
   46 challenged electors until the reconvening of the
   47 special precinct board as required by this chapter.
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   48 Only those persons so permitted by section 53.23,
   49 subsection 4, shall have access to the affidavits
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   50 while that board is in session. Any elector may
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    1 present written statements or documents, supporting or
10
    2 opposing the counting of any special ballot, at the
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    3 commissioner's office until the reconvening of the
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     4 special precinct board.
    5 Sec. 21. Section 50.21, unnumbered paragraph 2, 6 Code 2003, is amended to read as follows:
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10
       If no special provisional ballots were cast in the county pursuant to section 49.81 at any election, the
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    8
10
       special precinct election board need not be so
10 10 reconvened. If the number of special provisional
10 11 ballots so cast at any election is not sufficient to 10 12 require reconvening of the entire election board of
10 13 the special precinct, the commissioner may reconvene
10 14 only the number of members required. If the number of 10 15 special provisional ballots cast at any election
10 16 exceeds the number of absentee ballots cast, the size
10 17
       of the special precinct election board may be
10 18 increased at the commissioner's discretion. The
10 19 commissioner shall observe the requirements of
10 20 sections 49.12 and 49.13 in making adjustments to the
10 21 size of the special precinct election board.
10 22 Sec. 22. Section 52.2, Code 2003, is amended to
10 23 read as follows:
10 24
           52.2
                 PURCHASE.
           The board of supervisors of \frac{1}{2} a county may, by a
10 25
10 26 majority vote, authorize, purchase, and order the use
10 27 of either voting machines or an electronic voting
10 28 system in any one or more voting precincts within said
10 29 the county until otherwise ordered by said the board
10 30 of supervisors. Voting machines and an electronic
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10 31 voting system may be used concurrently at different
-10 32 precincts within any county, but not at the same
10 33 precinct.
 10 34
                      NEW SECTION. 53.37A STATE COMMISSIONER
           Sec. 23.
10 35 DUTIES.
10 36
           The state commissioner of elections shall provide
10 37 information regarding voter registration procedures
10 38 and absentee ballot procedures to be used by members
10 39 of the armed forces of the United States. The state
10 40 commissioner shall accept valid voter registration
10 41 applications and absentee ballot applications and
10 42 shall forward the applications to the appropriate
10 43 county commissioner of elections in a timely manner.
10 44
          Sec. 24. Section 53.40, unnumbered paragraph 1,
10 45 Code 2003, is amended to read as follows:
10 46
          A request in writing for a ballot may be made by
10 47 any member of the armed forces of the United States
10 48 who is or will be a qualified voter on the day of the
10 49 election at which the ballot is to be cast, at any
10 50 time before the election. Any member of the armed
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     1 forces of the United States may request ballots for
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     2 all elections to be held within a calendar year
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     3 through the next two general elections. The request
     4 may be made by using the federal postcard application 5 form and indicating that the applicant wishes to
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11
11
     6 receive ballots for all elections as permitted by
     7 state law. The county commissioner shall send the 8 applicant a ballot for each election held during the
11
11
       calendar year in which after the application is
<del>-11</del>
11 10 received <u>and through the next two general elections</u>
11 11 The commissioner shall forward a copy of the absentee 11 12 ballot request to other commissioners who are
11 13 responsible under section 47.2, subsection 2, for
11 14 conducting elections in which the applicant is
11 15 eligible to vote.
           Sec. 25. Section 53.53, Code 2003, is amended by
11 16
11 17 adding the following new unnumbered paragraphs:
11 18
           NEW UNNUMBERED PARAGRAPH. A federal write=in
11 19 ballot received by the state commissioner of elections
11 20 shall be forwarded immediately to the appropriate
11 21 county commissioner. However, if the state
11 22 commissioner receives a federal write=in ballot after
11 23 election day and before noon on the Monday following
11 24 an election, the state commissioner shall at once
11 25 verify that the voter has complied with the
11 26 requirements of this section and that the voter's
11 27 federal write=in ballot is eligible to be counted.
 11 28 the ballot is eligible to be counted, the state
11 29 commissioner shall notify the appropriate county
11 30 commissioner and make arrangements for the ballot to
11 31 be transmitted to the county for counting. If the
11 32 ballot is not eligible to be counted, the state
11 33 commissioner shall mail the ballot to the appropriate
11 34 commissioner along with notification that the ballot
11 35 is ineligible to be counted. The county commissioner
11 36 shall keep the ballot with the other records of the
11 37 election.
11 38 <u>NEW UNNUMBERED PARAGRAPH</u>. The county commissioner 11 39 shall notify a voter when the voter's federal write=in
11 40 ballot was not counted and shall give the voter the
11 41 reason the ballot was not counted.
11 42
           Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act,
11 43 being deemed of immediate importance, takes effect
       upon enactment.>
11 44
       #2. Title page, by striking lines 3 and 4, and
inserting the following: 11 47 practice, and providing an>.
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11 49
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1 JOCHUM of Dubuque 2 SF 2269.702 80

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